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Attorneys for Defendant Operating Engineers
Local 501 Security Fund

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RALPH A. SCHWARTZ, PC, A Professional
Corporation,

Plaintiff,

v.

JAMES M. SNYDER, individually;
OPERATING ENGINEERS LOCAL 501
SECURITY FUND; et al.,

Defendants.

Case No. 2:21-cv-00909-JAD-DJA

**STATEMENT REGARDING
REMOVAL**

Defendant, Operating Engineers Local 501 Security Fund (“Plan”), by and through its counsel, the Law Offices of Kristina L. Hillman, affiliated with Weinberg, Roger & Rosenfeld, A Professional Corporation, in compliance with the Court’s May 10, 2021 Minute Order (ECF No. 3), states as follows:

1. The Plan was served with a copy of the Complaint on April 19, 2021.
2. The Plan was served with a copy of the Summons on April 19, 2021.
3. This action was not removed on the basis of diversity jurisdiction.
4. This action was not removed more than 30 days after the Plan received a copy of the Summons and Complaint.

1 5. This action was not commenced in state court more than one year before the date
2 of removal. The action in state court was commenced on April 5, 2021. The Notice of Removal
3 was filed on May 10, 2021.

4 6. The Plan believes, based upon the docket and filings in state court as of the date
5 of removal to this Court, that the following Defendants were served with the Summons and
6 Complaint before removal of this action from state court to this Court:

7 a. JAMES M. SNYDER, individually;

8 b. OPERATING ENGINEERS LOCAL 501 SECURITY FUND, doing
9 business in Clark County, State of Nevada;

10 c. COMMUNITY AMBULANCE;

11 d. INNOVATIVE PAIN CARE CENTER;

12 e. J. PAUL WIESNER & ASSOCIATES, CHARTERED, a Nevada
13 Domestic Professional Corporation d/b/a RADIOLOGY ASSOCIATES OF NEVADA;

14 f. FREMONT EMERGENCY SERVICES (SCHERR), LTD., a Nevada
15 Domestic Professional Corporation;

16 g. VALLEY HEALTH SYSTEM LLC, a Foreign Limited-Liability
17 Company d/b/a SPRING VALLEY HOSPITAL MEDICAL CENTER;

18 h. MICHAEL SCHNEIER NEUROSURGICAL CONSULTING, P.C., a
19 Nevada Domestic Professional Corporation;

20 i. DIGNITY HEALTH, a Foreign Nonprofit Corporation d/b/a ST. ROSE
21 DOMINICAN, SIENA CAMPUS;

22 j. LAW OFFICES OF STEPHENSON, ACQUISTO & COLMAN, INC., a
23 California corporation; and

24 k. PLUSFOUR, INC., a Nevada Domestic Corporation.

25 7. The following Defendants filed a disclaimer of interest in state court as of the date
26 of removal to this Court:

27 a. INNOVATIVE PAIN CARE CENTER, disclaimer of interest filed April
28 20, 2021;

b. PLUSFOUR, INC., a Nevada Domestic Corporation, disclaimer of interest
filed April 22, 2021; and

c. LAW OFFICES OF STEPHENSON, ACQUISTO & COLMAN, INC., a California corporation, disclaimer of interest filed May 6, 2021.

8. To date, excluding the Defendants that filed disclaimers of interest, the above-referenced Defendants have not joined in this removal. The claims with respect to the Plan arise out of James Snyder's participation in the Plan, which is a self-funded employee welfare plan governed by the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. § 1001 et seq. This Court has original jurisdiction of ERISA actions under Section 502(a) and (e) of ERISA, 29 U.S.C. § 1132(a) & (e), because the claims relate to benefits that Snyder received under the Plan and, thus, the claims with respect to the Plan are completely preempted and superseded under Section 514(a) of ERISA, 29 U.S.C. § 1144(a). The other Defendants are not required to join in this removal because the claims asserted against the Plan are separate and independent claims for relief that arise under federal law. *See* 28 U.S.C. § 1441(c)(2).

Dated: May 25, 2021

LAW OFFICES OF KRISTINA L. HILLMAN
Affiliated with Weinberg, Roger & Rosenfeld
A Professional Corporation

Respectfully Submitted:

/s/ Sean W. McDonald

By: Kristina L. Hillman
Sean W. McDonald

Attorneys for Defendant Operating Engineers
Local 501 Security Fund

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CERTIFICATE OF SERVICE

I am a citizen of the United States and an employee in the County of Sacramento, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 431 I Street, Suite 202, Sacramento, California 95814.

I hereby certify that on May 25, 2021, I electronically filed the forgoing **STATEMENT REGARDING REMOVAL** with the United States District Court, District of Nevada, by using the Court's CM/ECF system.

I certify under penalty of perjury that the above is true and correct. Executed at Sacramento, California, on May 25, 2021.

I certify that for those participants in this case who are registered CM/ECF users service will be accomplished by the Notice of Electronic Filing by CM/ECF system.

I further certify that for those participants who are not registered CM/ECF users service will be accomplished by U.S. mail.

SEE ATTACHED SERVICE LIST

/s/ Dusty James

Dusty James

SERVICE LIST

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(Attorneys for Plaintiff Ralph A. Schwartz, PC)

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(Defendant)

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Henderson NV 89074
(Defendant)

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c/o Incorp Services, Inc.
Resident Agent
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(Defendant)

Fremont Emergency Services (Scherr), Ltd.
c/o Corporation Service Company
Resident Agent
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(Defendant)

Valley Health System, LLC *d/b/a* Spring
Valley Hospital
c/o Corporation Service Company
Resident Agent
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Carson City, Nevada 89703
(Defendant)

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